

SECTION II

ROWAN COUNTY

PERSONNEL ORDINANCE

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1.0 ARTICLE I. IN GENERAL

1.1 PURPOSE

It is in the best interest of the County to establish a centralized human resources system under the County Manager by which matters relating to personnel shall be administered. It is the intent of the Board of County Commissioners to establish an equitable and uniform system of human resources administration, to place employment on a merit basis to the end that the best-qualified persons available shall constitute the County service.

1.2 CIVIL SERVICE COMMISSION

It should be recognized that no Rowan County policy or procedure shall supersede the rules and regulations adopted by the Civil Service Commission or other body established by the laws of the State of North Carolina, when such laws involve such bodies in formulating rules and regulations for any portion of County employees and in event of a conflict between same, the rules and regulations adopted by such body shall control over County policy.

1.3 IMPLEMENTATION OF POLICY

All policies, ordinances or resolutions that conflict with the provisions of this ordinance are repealed. This human resources ordinance shall supersede all other ordinances, policies, and procedures established by the County. Approved this third day of August, Nineteen Hundred and Eighty Seven.

1.4 EMPLOYEES SUBJECT TO THIS ORDINANCE

- a) The provisions of the ordinance shall apply to County employees not herein exempt.
- b) The provisions of this ordinance shall not apply to the County Manager and elected officials.
- c) Exempt as to Article IV, Recruitment and Selection and Article VII, Dismissal, Suspension and Demotion, these provisions shall not apply to the Tax Collector, County Assessor, Clerk to the Board, employees of the Sheriff's Office, employees of the Board of Elections, and employees of the Register of Deeds Office. (11-17-2006)
- d) Employees of the North Carolina Cooperative Extension Services are exempt from all Articles except Article V, Conditions of Employment and Article VI, Equal Employment Opportunity.

1.5 EMPLOYEE DEFINITIONS

- a) Probationary employee: A person appointed to a position who has not yet completed the probationary period.
- b) Full time: A full time employee is a person employed on a continuous year-round basis for a period of time which exceeds more than six (6) months and who is regularly scheduled to work (including vacation and holidays) an average of at least forty hours per week. An employee in this classification is entitled to employee benefits.
- d) Part time: An appointment of less than full time to a part time budgeted position on a continuing basis. A part time employee who works 1,000 hours or more over twenty-six (26) pay periods will be eligible for employee benefits available to full time employees. Benefits reflect the ratio of the number of hours worked to the standard forty (40) hour workweek. During the budget process, the Department Director will identify the percent of time that a part time employee is to be employed.
- d) Temporary: A temporary employee is one employed for a specific period of time which will not exceed six (6) months or twelve (12) pay periods for a fiscal year. Employees in this capacity are normally identified as "seasonal" personnel. Benefits for employees who are temporary will only include Social Security, Workers' Compensation, and Unemployment Compensation. For an employee's work time to exceed more than six (6) months or twelve (12) pay periods over a twelve-month period of time in a temporary capacity without accruing full benefits would constitute a discriminatory practice. Therefore, positions for temporary employees will be limited to six (6) months for the fiscal year, and the Department Director is responsible for the status of these employees. It should be recognized that the twelve (12) pay periods do not have to be consecutive.
- e) Completed Year: A period of twelve (12) calendar months in which the employee is in active pay status or is receiving Workmen's compensation payments while on leave without pay.
- f) Completed Month: Any month in which an employee works at least one half of the workdays.
- g) Appointing Authority: Any position with the legislated or delegated authority to make hiring decisions, the County Manager, Sheriff, Register of Deeds.
- h) Grievance: A claim or complaint based upon an event or condition which affect the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
- i) Adverse Action: A demotion, suspension, dismissal, reduction in pay, transfer or lay-off.

1.6 EMPLOYMENT OF MINORS AND WORK PERMITS

The County will employ no one under the age of sixteen (16) in any capacity. Applicants at least sixteen (16), but less than eighteen (18) years of age, may be employed within the limits of state and federal laws, as to the hours and areas. Persons employed under federal grants are excluded from the age restriction of sixteen (16) and may be employed as young as fourteen (14) years of age.

Any candidate for employment less than eighteen (18) years of age must secure a work permit from the Department of Social Services before beginning work with the County.

1.7 ESTABLISHMENT OF MINIMUM STANDARDS FOR NECESSARY JOB PERFORMANCE

The County Manager, with the advice and recommendations of the Director of Administration, shall establish reasonable minimum standards for employees as to character, intelligence, ability to meet the public, physical condition and necessary ability for satisfactory job performance.

1.8 EXAMINATION OF APPLICANTS FOR POSITIONS

Applicants for positions with the County may be required to pass appropriate non-discriminatory competitive written, oral, physical and drug tests to determine whether they meet established minimum standards. These examinations shall be prepared and given under the direction of the Director of Administration.

1.9 JURY DUTY

The County recognizes that every employee has an obligation to perform the functions of citizenship, such as voting, military service, jury service, etc. The County Manager will not, therefore, seek to have employees excused from jury duty unless their job duties cannot be temporarily delegated to someone else and their absences would adversely affect the services rendered. The decision to ask that the employee be excused from jury duty for working related reasons will be based on a written request from the Department Director and will be approved by the Director of Administration. Requests for excuses will then be forwarded to the appropriate court for its approval.

1.10 RELEASE OF INFORMATION ON EMPLOYEE FILES

It is the policy of the County not to release personal and/or confidential information without prior written consent from the employee unless otherwise directed by law.

1.11 COUNTY EMPLOYEES SERVING ON BOARDS, COMMITTEES, ETC.

Any citizen of Rowan County is eligible to serve on the appointed boards or commissions of the County where such appointment is not prohibited by state statute. All appointments will be made according to the applicable statute, ordinance, resolution or policy that created the board, council, or commission. Discretion will be used when considering County employees for membership on any of the boards or commissions. County employees are prohibited from serving on any board, council, or commission that is an advisory, policymaking, or governing entity of the agency or department for which they work and receive wages. Prior to accepting such as appointment, the employee must terminate his/her employment with the respective agency or department.

This policy does not prohibit County employees from serving in an ex-officio capacity on any of the above boards, councils, or commissions when required by law, when a position is reserved for a County employee to be designated by the Board of County Commissioners, or when such service is deemed by the Commissioners to be in the best interests of the County.

1.12 EMPLOYMENT ELIGIBILITY VERIFICATION

The Director of Administration will be responsible for ensuring that the County employs only United States citizens and aliens authorized to work in the United States in conjunction with the Immigration Reform and Control Act of 1986.

2.0 ARTICLE II. POSITION CLASSIFICATION PLAN

2.1 GENERAL

The County will maintain a current position classification. State law reference - Authority to adopt position classification plan, G.S. Para. 153A-92(a)

2.2 COVERAGE ALLOCATION OF POSITIONS

The classification plan to be adopted and covered by this article shall include full time, part time, and temporary employee classes of positions in the County's service. The Director of Administration shall recommend for the County Manager's approval, allocation of each position covered by the classification plan to its appropriate class.

2.3 ADMINISTRATION AND MAINTENANCE: REALLOCATION OF POSITIONS

The Director of Administration, with the approval of the County Manager, shall be responsible for the administration and maintenance of the position classification plan to be adopted by this article. The Department Director shall be responsible for bringing to the attention of the Director of Administration any material change in the nature of duties, responsibilities, working conditions and other factors affecting the classification of any position. Reclassifications of positions require the approval of the Personnel Board.

2.4 CLASSIFICATION OF NEW POSITIONS

The Director of Administration, with the approval of the County Manager, shall be responsible for studying and making recommendations for the allocation of new positions to the existing classes or to new classes of positions in the County's service. The County Manager shall make recommendations concerning the allocation of new positions to the Board of County Commissioners for its approval.

2.5 DEPARTMENTAL REORGANIZATION

The County Manager may authorize the reorganization of a department even if such reorganization results in the elimination of occupied or unoccupied position(s) and if such reorganization results in a change in the job category or skill level for one or more employees. The County Manager must inform the Board of County Commissioners thirty (30) days prior to any reorganization, which may affect a reduction in force. No Department Director may reorganize their department without prior written approval from the County Manager. The administrative procedure for reduction in force shall apply to any reorganization that results in the elimination of any occupied position and the concomitant termination of any employee; but such procedures shall not apply to any employee who is offered employment by another employer with whom the County has contracted to provide the same or similar services

performed by the employee whose position is eliminated. Any reorganization that changes the duties of an employee so as to affect that employee's current job category or current skill level shall have the following result with respect to salary:

a) For those whose employment may be downgraded as a result of reclassification, the incumbent's current salary will be maintained, but the individual will lose the salary potential of the previously assigned job category, or skill level.

b) For those whose employment may be upgraded as a result of reclassification, the incumbent will receive a salary increase in accordance with the then existing administrative procedure(s).

3.0 ARTICLE III. PAY PLAN

3.1 GENERAL

The Board of County Commissioners has the responsibility and authority to establish and maintain approved pay plans.

3.2 MAINTENANCE OF THE PAY PLAN

The Director of Administration shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the County and other factors. To this end, the Director of Administration shall from time to time make comparative studies of factors affecting the level of salary ranges and shall recommend to the County Manager and Personnel Board such changes in salary ranges as appear to be warranted.

3.3 USE OF SALARY RANGES

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of within-the-range pay increments:

a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum step may be made up to Step 13 by the recommendation of the Department Director. When deemed necessary and is in the best interest of the County, the Director of Administration and the County Manager may approve a recommendation up to Step 30. Appointment above-the-minimum will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the class, a shortage of qualified applicants available at the minimum step, and the refusal of qualified applicants to accept employment at the minimum step. With the recommendation of the Director of Administration and the County Manager, the Personnel Board may review and approve an appointment to a position above Step 30. (5-19-08)

3.4 PAYMENT AT A LISTED RATE

Employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

3.5 SALARY OF TRAINEE

An applicant hired or an employee promoted to a position in a higher class, who does not meet all of the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain on the trainee step until the Department Director certifies that the trainee meets the minimum qualifications and is prepared to assume the full responsibilities of the position. The Department Director shall review the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position.

3.6 WORK AGAINST APPOINTMENT

When qualified applicants are unavailable, and there is no trainee provision for the classification of the vacancy, an appointment may be made below the level of the regular classification in a work against situation. A work against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience. The appointment must meet the minimum education and experience standard of the class to which initially appointed. A work against appointment should not be made when applicants are available who meet the education and experience requirements for the full class. The salary of an employee in a work against position should be no more than 15% below the grade and no less than 5% below the grade. Employees in a work against position are not eligible to receive an increase when coming off the probationary status, nor are they eligible for merit consideration.

3.7 PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following criteria:

- a) An employee who is promoted shall receive at least a 5% pay increase. The increase will be dependent upon the pay range, length of service, qualifications of the person being promoted, and market conditions.
- b) An employee who is demoted to a position for which he/she is qualified shall receive a salary rate in the lower pay range, which provides the smallest decrease in salary.
- c) An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to be paid at the same step rate.
- d) An employee whose position is reclassified to a class having a higher salary range shall receive an increase to Step 3 of the new pay range, or, if the employee's salary falls within the range assigned to the position, the Personnel Board shall review it and the appropriate step established. If a position is reclassified to a lower pay range and the result is that the

employee will receive a rate of pay above the maximum step established for the new class, the employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

3.8 PAY RATES IN SALARY RANGE REVISIONS

When the Personnel Board approves a change in the salary range for a class of positions, employees whose positions are allocated to that class may have their salaries raised or left unchanged. However, assignments to new ranges will be paid at Step 3 of the range.

When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

3.9 PAY FOR PART TIME WORK

The pay plan established by this policy is for full time service. An employee appointed for less than full time service will be paid a prorated amount determined by converting the established salary to an hourly rate.

3.10 OVERTIME

Overtime work shall be that work performed by an employee which either exceeds the number of hours constituting the established workweek (normally 40 hours) for the employee's position or which is accomplished on an unscheduled workday. Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift.

Non-exempt employees required to work overtime shall be compensated by being paid one and one half (1 1/2) times the regular rate of pay established for the job classification, comp time, or time off during the same week.

Department Directors shall request prior approval from the Director of Administration before overtime is performed.

4.0 ARTICLE IV. RECRUITMENT AND EMPLOYMENT

4.1 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of applicant qualifications and without regard to age, sex, disability, race, color, creed, religion, political affiliation or national origin except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. It will be the responsibility of the Director of Administration to enforce and monitor this policy. (Revised 02-05-93)

4.2 RECRUITMENT SOURCES

The Human Resources Department will be responsible for publicizing opportunities for employment with the County including salary ranges and employment qualifications for positions to be filled. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for County service.

4.3 JOB ADVERTISEMENTS

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

4.4 APPOINTMENTS GENERALLY

The County Manager shall appoint subordinate officers, agents, and employees for the general administration of County affairs, the positions having been established by the Board of County Commissioners, except such officers as are required to be elected by popular vote or whose appointment is otherwise provided for by the law or actions taken by the Board of County Commissioners. State law reference - Similar provisions, G.S. Para 153A-82(1)

4.5 SELECTION OF APPLICANTS

The selection of applicants for appointments will be based upon a relative consideration of their qualifications for the position to be filled. Advantage will be given to applicants determined to be best qualified and the Department Director will reasonably document hiring decisions to verify this advantage was granted and explain their basis for selection.

4.6 REPORT OF APPOINTMENTS

The County Manager shall report appointment to positions with the County government monthly at a meeting of the Board of County Commissioners. State law reference - Authority to require report of appointments, G.S. Para 153A-82(1)

4.7 PROBATIONARY PERIOD OF EMPLOYMENT

New employees hired into full-time or benefited part-time positions will serve a minimum six months probationary period, except those individuals who are excluded due to Full Reinstatement as determined by the Department Director and Director of Administration. Part-time employees without benefits and temporary/seasonal employees do not serve a probationary period.

Current non-benefited employees who are hired into a full-time or benefited part-time position will be required to serve a probationary period of 6 months. An exception to this policy would be Library employees who work a regular part-time schedule and receive a probationary increase while in a non-benefited status. These individuals must wait the normal waiting periods for benefits, but would not receive a second probationary increase at the end of six months of benefited employment.

Employees who score satisfactory on their 6 months performance review will be considered a regular employee and receive an 2% probationary increase in pay. Employees who do not score satisfactory on their 6 months performance review will either have their probationary period extended an additional 3 months or be dismissed at the discretion of the Department Director. No employee shall remain on probation for more than one year.

Employees who have successfully completed a probationary period and are classified as a regular employee shall not serve another probationary period.

The exceptions to a probationary pay increase include:

1. Individuals working in a Work Against situation.
2. Individuals working in a Trainee status.
3. Codes Enforcement Officers.
4. Employees who are fully reinstated to employment with Rowan County.

4.8 PROMOTION

Recognizing the need of employees to fulfill their potential and what this means in terms of maximum efficiency, the County utilizes a "promote from within" policy whenever possible. When job vacancies occur, an effort will be made to promote from within the County if qualified employees are available. Employees may inquire about job vacancies at the Human Resources Office, or they may review vacancies that are posted on the bulletin boards. The responsibility for applying for a vacancy which may constitute a promotion lies with the employee, and the Department Director is obligated to consider all qualified candidates who are referred by Human Resources.

An employee applying for a promotion to another job will be given equal consideration with other applicants, and if that person has superior or equal qualifications, he/she will be granted the promotion, contingent upon acceptable work performance. A promotion may be defined in the job classification system as moving from one position in a particular job class to a position in another job class having a higher rate of pay.

There will be no lateral transfers from department to department unless they are in the best interest of Rowan County. Lateral transfers can be defined within the job classification system as those positions that are in the same job category and skill level (same minimum and maximum salary).

4.9 DEMOTION

Job changes that constitute a demotion (moving from one position in a particular job classification to a position in another job classification having a lower rate of pay) will not be permitted unless there is documentation which indicates that the person could perform better in one job as opposed to another except in the instances of reduction in force. In those instances of reduction in force, salary and classification reductions will be determined through administrative procedures that are recommended by the Director of Administration and approved by the County Manager. Before a demotion will be permitted, the Director of Administration must approve the action to ensure the intent of this policy.

4.10 TRANSFER

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period. An employee desiring to be transferred should make the request to the Director of Administration.

5.0 ARTICLE V. CONDITIONS OF EMPLOYMENT

5.1 WORK SCHEDULE

The standard workweek for County government is 40 hours. The normal daily work schedule is eight consecutive hours, plus a lunch period. Law enforcement and emergency services require a work schedule to accommodate a 24 hour, seven day work-week. Employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When the activities of a particular department requires some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

5.2 GIFTS AND FAVORS

Receiving or giving gifts or favors is not in the best interest of Rowan County. Therefore, no officials or employees of the County shall:

- a) Accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties; or
- b) Grant, in the discharge of their duty, any improper favor, service or thing of value.

5.3 POLITICAL ACTIVITY

Employees of the County have a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a political organization in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employees shall:

- a) Engage in political activity while on duty or within any period of time during which they are expected to render services for which they receive compensation from the County;
- b) Be required, as a duty of their office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- c) Solicit, or act as custodian of, funds for political or partisan purposes while on duty as an employee of the County;
- d) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit;
- e) Use any supplies or equipment of the governmental unit for political purposes.

Constitutional and elected officers are exempt from this entire section, however they are not to use public funds, goods, supplies, or materials for partisan political purposes. Elected officials must return all County equipment that was used in their duties of their office at the completion of their term.

Any employee may file for public office of his/her choice without having to resign his/her position. However, no formal or informal campaign efforts may be performed during the operating hours as established by the County.

The employee may be allowed to take up to two weeks leave without pay before the primary and before the general election. If the employee has accumulated vacation leave, he/she may use vacation leave in lieu of leave without pay. Any violation of this section shall subject the employee to dismissal or other disciplinary action.

5.4 EMPLOYMENT OF RELATIVES

Two members of an immediate family shall not be employed within the same department or unit. The term "immediate family" shall be understood to refer to that degree of closeness or relationship, which would suggest that problems might be created within the work unit, or that the public's philosophy of fair play in providing equal opportunity for employment to qualified individuals would be violated. This term is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather. It also includes others living within the same household or otherwise closely identified with each other as to suggest that difficulty might develop.

6.0 ARTICLE VI. LEAVE-HOLIDAY, VACATION, SICK, MEDICAL, EDUCATIONAL, MILITARY

6.1 HOLIDAYS

The following days and such other days as the commissioners may designate are holidays with pay for full time and part time benefited employees:

New Years Day	Labor Day
Martin Luther King, Jr.'s Birthday	Veteran's Day
Good Friday	Thanksgiving (2 days)
Memorial Day	Christmas (2 or 3 days)
Independence Day	

When a holiday, other than Christmas Day falls on Sunday, Monday shall be observed as a holiday. At Christmas, two days are observed, except when both the days before and after Christmas Day are scheduled workdays, then three days are given. For example, if Christmas Day is on a Wednesday, the three days observed would be Tuesday, Wednesday, and Thursday. When a holiday is on Saturday, Friday will be taken as the normal holiday. When a holiday is on Sunday, the following Monday will be taken as the normal holiday. Because of the variety of County services, all employees do not observe holidays on the same day.

For employees who work twenty-four hour or twelve-hour shifts, holidays begin and end at 12:00 midnight.

Regular part time benefited employees accrue holiday leave based upon the number of hours budgeted for the position annually. Temporary employees are not eligible for paid holidays.

The policy that governs the use of holiday time is as follows:

- a) There is no waiting period for holidays.
- b) When staffing permits, holidays may be taken on the day of the holiday. Employees who are required to work on the County holidays to ensure delivery of service will receive another day off (up to eight hours) in the place of that day and additional pay equal to one-half of their regular hourly wage. Holidays not taken will accrue in a Floating Holiday Bank. At the end of the calendar year, holiday hours over 240 will be lost. To avoid this from occurring, accrued holiday hours must be used before accrued vacation hours. (7-20-07)
- c) Holidays must be taken on or within a period of time agreeable to the department director and employee.
- d) A holiday occurring during the vacation of an employee will be paid and recorded as a holiday.

e) In computing wages, holiday pay will be computed at regular pay and will be excluded from calculating overtime.

f) Unauthorized absence on a holiday will not be paid.

g) In order to be paid for a holiday, the employee must work and/or use paid leave for each workday up to the holiday and at least one workday after the holiday.

h) If employees have an excused absence for illness (paid leave) during a period in which the holiday falls, they will receive the holiday pay.

6.2 VACATION LEAVE

Vacation with pay is granted to full time and part time employees with benefits. Temporary employees are not eligible for vacation benefits.

a) Full time and Part-time benefited employees accrue vacation on a bi-weekly basis determined by the number of hours the employee works in the pay period and by the length of County service. Vacation leave does not accrue while an employee is on leave without pay (LWOP) for any reason.

<u>Length of Service</u>	<u>Average Days Per Annum</u> (Based on 2080 hrs)	<u>Average Hours</u> Per Pay Period	<u>Factor</u> Per Hour
Less than 2 years	10	3.08	.0385
2 but less than 5 years	12	3.69	.0462
5 but less than 10 years	15	4.61	.0577
10 but less than 15 years	18	5.54	.0692
15 or more years	21	6.46	.0808

Hours calculated in above chart are rounded. The computer is programmed to accommodate any rounding errors in its computation.

b) Emergency Medical Technicians and Paramedics who work a fluctuating workweek, accrue vacation on a bi-weekly basis determined by the length of County service as follows:

<u>Length of Service</u>	<u>Days Per Annum</u>	<u>Hours Per Pay Period</u>
Less than 2 years	14	4.42
2 but less than 5 years	17	5.31
5 but less than 10 years	21	6.64
10 but less than 15 years	26	7.97
15 or more years	30	9.29

Days calculated in above chart are rounded.

Scheduling of vacation is at the discretion of the Department Director in accordance with the staffing needs of the County. Requests should include first and second choices desired. When conflict occurs within a department, consideration will be given to the earliest request submitted. The Department Director is responsible for acknowledging, approving, or disapproving the request at the earliest convenient date prior to the beginning of the vacation time.

Provisions of the vacation policy include the following:

- a) Pay in lieu of vacation will not be allowed.
- b) Vacation credits may not be taken in units of less than fifteen (15) minutes.
- c) Upon written request, an employee may elect to use earned vacation days for illness.
- d) If an employee is on vacation and becomes injured or ill, that person may exercise the option to use sick time; the Department Director may request medical verification.
- e) An employee going on an approved leave of absence may request to use vacation leave. However, all accrued floating holiday hours and accrued non-exempt comp time must be utilized before accrued vacation hours. (10-29-08)
- f) Employees who leave the County's employment will be paid for accumulated vacation days or the County will transfer any unused vacation leave in lieu of paying it out at the request of the terminating employee.
- g) A holiday occurring during the vacation of an employee will be paid and recorded as a holiday.
- h) Employees transferring between departments do not have their accrual rates and accrued vacation time affected.
- i) One day (8 hours) of vacation shall be credited to the accumulated benefits of a full-time employee who does not use sick leave and who is not absent without leave for a period of approximately twenty-six consecutive weeks depending upon when the pay period ends. Part-time benefited employees accrue these bonus hours on a pro-rata basis determined by the number of hours normally worked in the workweek.
- j) In computing wages, vacation time will be computed at regular pay and will be excluded from calculating overtime.
- k) Department Directors, with the approval of the Human Resources Manager, may advance vacation leave (to vested employees having five years of service with Rowan County) not to exceed the amount an employee can accumulate during the current calendar year.

l) After the last payroll of the calendar year is processed in December, a County employee with accrued annual vacation leave in excess of thirty (30) days or two hundred forty (240) hours will be converted to sick leave. This converted sick leave may be counted toward creditable service at retirement.

m) Rowan County will accept a transfer of unused vacation leave (30-day maximum) from another local or state government employer as long as the unused balance is no more than 3 years old. A letter must be received from the previous employer stating the amount of vacation leave to be transferred.

n) Rowan County will transfer any unused vacation leave in lieu of paying it out at the request of the terminating employee. Unless requested by the employee, Rowan County pays out unused vacation in the employee's final paycheck.

6.3 SICK LEAVE

Sick leave with pay is not a right, which an employee may demand, but a privilege granted by the Commissioners for the benefit of the employee when sick.

a) Full time and part time benefited employees accrue approximately .0462 hours for regular hours worked. Sick leave is accrued on a bi-weekly basis. Employees will accrue 12 days per year based upon 2080 hours. EMS employees working a fluctuating workweek schedule earn sick leave in the set amount of 5.31 hours per bi-weekly pay period. Sick leave does not accrue while an employee is on leave without pay (LWOP) for any reason, including workers compensation.

b) There is no maximum accrual for the sick leave benefit.

c) Department Directors, with the approval of the Human Resources Manager, may advance sick leave (to vested employees having five years of service with Rowan County) not to exceed the amount an employee can accumulate during the current calendar year.

d) To be paid for sick leave, employees must notify their supervisors of illness no later than one (1) hour after they are scheduled to begin work, or as directed by the Department Director. If employees cannot call, they should have someone else call for them so that arrangements can be made to cover their job. However, the responsibility of calling lies with the employee.

e) If employees are sick for several days, they are responsible for keeping their supervisor informed on a daily basis unless other arrangements have been made with the supervisors. They should inform their supervisors of the approximate date they expect to return to work. Department Directors may require a note from the Doctor for extended illnesses or in cases where the employee is suspected of abusing leave.

f) Regularly scheduled days off cannot be used as paid sick leave.

g) Sick leave may not be used to augment workers compensation payments, except for the first seven calendar days an employee is out due to a work-related injury or illness.

h) Attendance records are reviewed periodically to determine the extent of absences due to illness. Employees with excessive absences will be interviewed by the individual's Department Director, who may request a doctor's statement in order to verify the employee's state of health. A person whose health prevents that individual from fulfilling the requirements of the job may be placed on leave of absence until the individual's health improves or may be transferred to a job that person is able to perform.

i) Employees should report to their supervisor if they become ill on the job. If it is necessary for employees to go home, they must advise their supervisor or Department Director before leaving. Failure to do so may result in leave without pay instead of deductions from accrued sick leave.

j) Sick leave may also be used for:

1. Medical appointments.
2. Illness of a member of the immediate family. The family is defined as a spouse, parents, children, mother-in-law, and father-in-law including step relationships. Utilization of this type of leave may require verification from a doctor that the employee's presence is needed to care for the family member.
3. Death in the immediate family, maximum of five days. For this purpose, immediate family is defined as spouse, parents, children, brother, sister, grandparents and grandchildren. Also included are the step, half and in-law relationships. A maximum of five days may be used for this purpose.

k) In computing wages, sick leave time will be computed at regular pay and will be excluded from calculating overtime.

l) At the time of an employee's separation, any sick leave owed to the County shall be deducted from the employee's final compensation.

m) One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at the time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System or Law Enforcement Benefits and Retirement Fund.

n) Rowan County will accept a transfer of unused sick leave from another local or state government employer as long as the unused balance is not more than 3 years old. We will accept all unused sick leave, which was not paid to the employee. A letter must be received from the previous employer stating the amount of sick leave to be transferred.

o) Rowan County will transfer any unused sick leave to another employer who will accept the transfer, as requested by the employee terminating employment, within 3 years of separation from employment.

6.4 LEAVE OF ABSENCE

As a regular procedure, leave may be granted for medical, family, and military reasons. In unusual circumstances, unpaid leave may be granted for compelling personal reasons or for educational purposes. Procedural matters concerning leave of absence are at the discretion of the County Manager. With the exception of Military leave employees desiring to use leave without pay, one must exhaust their vacation, floating holiday, and sick leave balance prior to being placed on a leave of absence status for an illness. Employees desiring to use leave of absence pay status for other than illnesses must exhaust their vacation leave, floating holiday, and comp time balances prior to being placed on a leave of absence status. Exceptions to this policy must receive approval from the Director of Administration.

6.5 CONTINUING EDUCATION

The Board of Commissioners encourage County personnel to avail themselves of training or education that would further their careers or prepare them better for their current or future jobs with the County or elsewhere.

Mandatory attendance of County personnel at required work-related educational or training programs outside normal working hours shall be constituted as involuntary enrollment on the part of the employee, and said employees shall receive compensation and shall there by be required to affirm such in writing to the Department Director before time of enrollment.

6.6 PARENTAL LEAVE

Rowan County shall provide a policy whereby eligible employees, both males and females, shall have the option of requesting parental leave. Such leave without pay must be requested in writing and normally would begin on the first business day following the placement or birth of the child.

6.7 FAMILY AND MEDICAL LEAVE

An employee who has worked 12 months for Rowan County and 1,250 hours in the past year will be entitled to this leave benefit for the following reasons:

1. Birth or Adoption of a child into the employee's home
2. Serious health condition of the employee
3. Serious health condition of the employee's spouse, child, or parent for which the employee is needed for their care.

The employee is entitled to 12 weeks of job-protected leave while utilizing leave under the Family and Medical Leave Act. The employee's health benefits during the leave period (12 weeks) will be at the same level and conditions as if the employee was continuing to work. If

the employee chooses not to return to work for reasons other than a continued serious health condition, the County may recover from the employee the premium paid for the employee's health coverage.

Employees who are out of work under the provisions of the Family Medical Leave Act (FMLA), Worker's Compensation or Leave Without Pay for sick leave purposes are prohibited from engaging in any outside employment during the period of leave. (11-20-06)

6.8 SERVICEMEMBER FAMILY LEAVE

Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status in support of a contingency operation. In addition, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember.

6.9 MILITARY LEAVE

Rowan County complies with the provisions of the Uniformed Services Employment and Re-employment Act (USERRA) of 1994, which protects employees in the U.S. military including the National Guard and Armed Forces Reserves. Full-time employees who are members of the National Guard or Armed Forces Reserve will be allowed 80 hours (10 days) military training leave per calendar year. If such military duty is required beyond this 80 hours (10 days) period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees may continue health insurance for their family by paying the current employee rate for such coverage. When employees are activated in the event of a national emergency, they may request the utilization of their accrued vacation and sick leave credits. The intent of this policy is to ensure that the employee's family is compensated as close as possible, to their standard of living. Human Resources will review each case for approval/disapproval.

Employees who are called for "active duty" have re-employment rights if they:

- Give advance notice either verbally or in writing;
- Are absent for five years or less;
- Separate from military service under honorable conditions; and
- Report for re-employment within certain time periods designated under USERRA.

The County will re-employ employees meeting the above criteria in the same position and with the same seniority and other rights and benefits that they had on their last day of work and any additional rights or benefits to which they would have been entitled had they not been on military leave.

To be covered by the re-employment rights under USERRA, the employee must report back to work following their return from military service as follows:

- If away 30 days or less, they must report to work on the next workday following completion of service and arrival home.
- If away more than 30 days but less than 181 days, they must report no longer than 14 days after completing service.
- If away greater than 180 days, they must report within 90 days of service completion.
- Employees who are hospitalized or recovering from an injury or illness that occurred during military service have up to two years or longer (in special circumstances) to return to work.

In addition, USERRA gives employees who have served in the armed forces limited protection from termination for a brief period following their return to work. These stipulations include:

- If the employee was away for more than 180 days, they cannot be terminated from employment for a period of one year following their return except for cause.
- If the employee was away for more than 30 days but less than 180 days, they cannot be terminated for 180 days after their return except for cause.

7.0 ARTICLE VII. DISMISSAL, SUSPENSION, AND DEMOTION

7.1 GENERALLY

a) At the request of the Department Director an employee may be suspended, demoted or dismissed because of failure in performance of duties or failure in personal conduct. The employee has the right of appeal to the Director of Administration. The appeal process will not exceed fifteen (15) calendar days before any of these actions become final. The suspended or dismissed person does not earn pay during the appeal process. The demoted employee earns pay at the rate that the demoted position entitles.

b) The County Manager may remove such officers, agents, and employees as the Manager may appoint.

State law reference - Authority of County Manager to suspend and remove officers and employees, G.S. Para. 153A-82(1)

7.2 REPORT OF DISMISSALS

Upon the dismissal or removal of any officer, employee or agent, the County Manager shall report the same, monthly at a meeting of the Board of County Commissioners. State law reference - Authority to require report of dismissals G.S. Para. 153A-82(1)

7.3 PROCEDURE IN CASE OF UNSATISFACTORY WORK

Regular employees whose work is not satisfactory over a period of time shall be notified in what way their work is deficient and what they must do if their work is to be satisfactory. If the employee continues to be negligent or fails to perform work up to the standard of the classification held, the Department Director shall recommend, to the Director of Administration, that the employee be demoted or dismissed.

7.4 NON-DISCIPLINARY SUSPENSION

Investigation status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action. An investigatory placement with pay may last no longer than 30 calendar days without written notice of extensions by the Director of Administration. It is not permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee. It is permissible to place an employee on an investigation status with pay under the following circumstances.

- 1) To investigate allegations of performance or conduct deficiency would constitute just cause for disciplinary action;
- 2) To provide time within which to schedule and conduct a pre-disciplinary conference;
- 3) To avoid disruption of the work place and/or to protect the safety of persons and property.

7.5 REDUCTION IN FORCE AND RECALL

Separation of employees through reduction in force should not occur until management has evaluated alternatives. Therefore, a reduction-in-force decision should be reached only after measures such as a hiring freeze on vacant positions, limits on purchasing and travel, retirement options, job sharing, and work schedule alternatives have proven insufficient.

A reduction in force necessarily compels a thorough evaluation of the accomplishments of specific programs, and the need for particular positions so that a department can provide the highest level of service possible with a reduced work force. The determination as to the retention or separation of a particular employee should include an evaluation of the relative skills, performance appraisals, experience, knowledge and productivity of the employee in the comparison to the services necessary to give the above factors more weight than other considerations, such as length of service.

The recall rights established by this policy shall not extend for more than six months from date of reduction in force.

Refer to Section IV, Guidelines For Reduction In Force.

7.6 RIGHT OF APPEAL

Any regular employee suspended, demoted or dismissed may appeal within an established appeal process after notifying their Department Director of their desire to appeal their suspension, demotion or discharge. Every regular employee shall have the right to present the appeal free from interference, coercion, restraint, discrimination or reprisal.

8.0 ARTICLE VIII. REGULATION OF CONDUCT

8.1 EMPLOYEE PERFORMANCE STANDARDS

a) Employees must perform their duties in a satisfactory manner, which would reflect credit upon themselves and the County.

b) Personal Affairs: The private and personal affairs of an employee are the concern of the County only when they reflect discredit on the County or impair the employee's job performance. Employees must not use work time or facilities to conduct personal business or affairs.

c) Each employee is responsible for seeking ways to improve the kind and quality of services rendered by the County. Each worker should not only carry out one's duties properly, but continually be alert for and seek new methods and means to perform these duties better.

d) Supervisory employees must constantly evaluate the performance of each employee under their direction and keep employees advised of the status of the evaluation. Employees have a right to know how well they are performing and they must be told. Both good and poor performance requires constant evaluation and appropriate comments or counsel from the supervisor. Employees must perform their jobs in accord with the County organizational lines. Organizational structure is not designed to stifle individual initiative or freedom of expression, but rather, to assign responsibility, aid in communication, and increase efficiency.

e) Employees are responsible for assuring that they do nothing to conceal deliberately any inadequacy in the performance of any other employee.

f) Each employee is responsible for helping to maintain a safe and healthy working environment. The County is required by law to provide such an environment. Therefore, it is the individual responsibility of each employee to use safe work methods for the protection of oneself and others. Employees should report any health or safety hazard to their supervisor immediately.

g) Employees must consider themselves "on call" for the County during times of community disaster or other emergency situations. When each employee is hired, that person, in effect, agrees to be "on call" as requested by the Department Director to assist the community if the need should arise.

h) Supervisory personnel represent the County on a twenty-four (24) hour basis regardless of whether they are on duty or off duty. Therefore, the County has a right to expect loyalty in carrying out their job-related responsibilities.

i) Courtesy: The very nature of the County work brings most employees into daily contact with many different people. Employees are expected to display the utmost courtesy and tact in their dealing with visitors and fellow employees.

j) Disturbances: County employees must conduct themselves in an orderly manner while on duty.

k) Personal Appearance: Employees must maintain their personal appearance in a clean and neat manner.

l) Unauthorized release of confidential information: Any inquiries for material that is considered by state and federal laws to be privileged or confidential information should be referred to the Department Director for disposition.

8.2 TECHNOLOGY USE POLICY

This policy covers the use of all technology resources belonging to Rowan County. It includes, but is not limited to pagers, radios, computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources and Internet resources. Technology resources owned by Rowan County are in place to enable the County to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Because technology systems are constantly evolving, Rowan County requires its employees to use a common sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this policy.

8.2.1 DEFINITIONS

Application Development: is defined as the creation and/or modification of databases and programs for the automation of County functions and tasks. This includes database development tools such as Microsoft Access, and programs developed in higher level programming languages such as Basic, Visual Basic, C, C++, etc. Also included in this section is the training required for Application Development.

E-mail: The distribution of messages, documents, files, software, or images by electronic means over a phone line or a network connection. This includes internal e-mail, external e-mail, and Internet e-mail.

Internet and the World Wide Web: A worldwide network of computer servers connected by phone lines that allow access to the public through a special language (Hypertext Markup Language or HTML) and a special protocol (Hypertext Transfer Protocol or HTTP).

8.2.2 INFORMATION ACCESS AND OWNERSHIP

Technology resources and information transmitted by, received from, or stored on Rowan County systems are the property of the Rowan County and as such, are subject to inspection by County officials. The County reserves the right for business purposes to enter, review and monitor the information on systems, including voice mail, electronic mail and information stored on computer systems or media, without advance notice. This may include investigating

theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the system or monitoring workflow and productivity.

Anytime information is transmitted through electronic media; there is the possibility that it could be intercepted. Therefore, no confidential Rowan County information may be transmitted electronically without the prior approval of the County Manager. If the employee is uncertain whether information is confidential, err on the side of caution and obtain approval before transmitting.

If Rowan County determines that an employee has used technology resources in a manner that violates this policy or other County policies, the County will take appropriate disciplinary action up to and including dismissal.

8.2.3 APPLICATION DEVELOPMENT

Application Development shall be approved in advance by the Information Systems Director.

Excluded from this section is the development of simple spreadsheets, forms and mail merge type documents for use in word processing, etc.

8.2.4 PERSONAL USE

Personal use of a County owned technology resource by County employees is allowed with the following restrictions.

1. Employees should be aware that personal use of a County owned technology resource is still subject to all of the rules in this policy including inspection and monitoring.
2. There must be no cost to the County.
3. Use must be conducted on an employee's own time. However, personal telephone calls on non-cellular phones or personal use of e-mail on an occasional basis may be permitted providing that they do not interfere with a County employee's obligation to carry out County duties in a timely and effective manner.
4. Use must not interfere with other employees performing their jobs or undermine the use of County resources for official purposes.
5. Use of the County's technology resources for operating a personal business or soliciting of any kind is prohibited.
6. Some technology resources such as cellular phones are billed from the first minute of use (both local and long distance) and are not allowed to be used for personal use except in an emergency. In the event of emergency use the employee is expected to reimburse any charges to the County.
7. Individuals who are not employees of Rowan County (including an employee's family or friends) are not allowed to use the County's technology resources.
8. Personal use of County resources by an employee neither expresses nor implies sponsorship or endorsement by Rowan County.
9. Personal employee owned computer resources are not to be used to perform county business while at work except cell phones and Personal Information Managers without

prior permission from the County Manager.

8.2.5 SECURITY

Each employee is responsible for all actions taken while using their user profile, password, or access code. Therefore, none of these are allowed to be shared with anyone else (including other employees of Rowan County), at any time. They must not be written down and stored, posted anywhere, programmed into a macro or stored on the computer system in an unencrypted form. The use of another person's user profiles, passwords, or access codes are also strictly prohibited.

Except as provided elsewhere in this policy the examination, modification, copying, or deletion of files or data belonging to other employees without their prior consent is prohibited.

Any file, program, or document received on media (diskettes, CD's or tapes), through the Internet (including e-mail) or through file transfer must be virus checked immediately. This is to prevent viruses from infecting the County's entire network. Each individual employee is responsible for the prevention of the spread of viruses. The Internet provides easy access to software distributed by companies on a trial basis. The free access does not indicate that the software is free or that it may be distributed freely. Applicable software copyright laws must be followed. In addition, software may not be loaded onto any Rowan County computer system, through any of the above methods, without prior approval of the Rowan County Information Systems Department. This includes shareware, freeware, personal software or Internet distributed programs.

8.2.6 APPROPRIATE USE

When an employee is using Rowan County technology resources, he or she is representing the County. Appropriate use of a particular resource will be discussed as a part of the training for its use.

While in the performance of work-related functions, or while using publicly owned or publicly provided technology resources, Rowan County employees are expected to use them responsibly and professionally. They shall make no intentional use of these resources in an illegal, malicious, inappropriate or obscene manner. Each Internet capable workstation will be configured to allow the screening and review of sites visited on the Internet.

When sending or forwarding E-mail, either internally or externally, employees shall identify themselves clearly and accurately. Anonymous or pseudonymous posting is expressly forbidden. County employees shall not forward "chain email".

Rowan County employees have a responsibility to make sure that public information disseminated via the Internet is accurate. Employees shall provide, in association with such information, its source and the date at which it was current and an electronic mail address allowing the recipient to contact the staff responsible for making the information available in its current form.

8.3 SEXUAL HARASSMENT

The County of Rowan is committed to maintaining a work environment that is free of discrimination and harassment. Personnel decisions shall not be made on the basis of a granting or denial of sexual favors. Sexual harassment shall henceforth be deemed a form of sex discrimination prohibited by North Carolina General Statutes 126-16.

9.0 ARTICLE IX. ROWAN COUNTY PERSONNEL COMMISSION

9.1 ORGANIZATION OF PERSONNEL COMMISSION

The Rowan County Board of Commissioners will appoint a Personnel Commission to consist of four (4) members. The appointments will be for a period of four (4) years and consist of local citizens, business professionals, and community leaders. The membership may not include incumbent County Commissioners, the County attorney, the County Manager, their family members or relatives, an employee who reports directly to the County Manager, or who works in Human Resources. A quorum of three must be present to conduct a meeting.

The Personnel Commission at the first meeting of each year shall elect one of its members as chairman, who shall preside at meetings as the hearing officer. Meetings shall be held as necessary. The Deputy Clerk to the Board of Commissioners shall provide clerical support to the Personnel Commission, and perform such duties as the Commission may direct.

The Personnel Commission shall:

- a) Advise the County Manager on County personnel appeals, grievance, and adverse actions.
- b) Conduct hearings upon the request of the Director of Administration or of discharged, suspended, or demoted County employees. The Commission shall have powers necessary to complete investigation of the action taken, including the power to subpoena, principals, or other parties. The Commission shall inform the County Manager and the Director of Administration in writing of its findings and recommendations. The County Manager will review the findings and recommendations in order to make a final, binding decision. If the employee/grievant disagrees with the decision of the County Manager, appeal from that decision may be made to the Rowan County Superior Court.
- c) Keep an adequate written record of its proceedings, findings, and recommendations. The hearing shall be recorded so that a record may be prepared and forwarded, if needed, to Superior Court.
- d) The Personnel Commissions decisions in discrimination cases will be binding. All other decisions reached by the Commission will be submitted to the County Manager for his approval or disapproval.
- e) The County Manager will notify the Personnel Commission of his final decision within fifteen (15) working days from the date he receives their findings. The Personnel Commission will advise all parties involved of the final decision in writing.
- f) Witnesses not employed by Rowan County may receive a fee of \$15.00.

g) The Personnel Commission will have at their disposal the use of a private attorney or the County attorney.

9.2 GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE-PURPOSE

The purposes of the grievance procedure are:

- a) To provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal.
- b) To allow employees an opportunity to appeal adverse actions to higher authorities to insure that such actions are made responsibly.

10.0 ARTICLE X. EMPLOYEE BENEFITS

10.1 INSURANCE BENEFITS

The County has made group life and group health insurance programs available for employee participation.

The County may make other group insurance plans available for its employees upon authorization of the Commissioners.

In addition, there is the Champus Insurance, available to retired military personnel and their dependents. This plan provides for individual and family coverage. The premium for this type of coverage is paid by the County inasmuch as the cost is equal to or less than the individual coverage. For those individuals who are over sixty-five (65) and need their hospitalization supplemented by Medicare, the County pays the full premium for this coverage, for the same reasons as stipulated for the Champus-Retired military coverage.

10.2 NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM

The County will participate in the North Carolina Local Government Employees Retirement System.

10.3 SUPPLEMENTAL RETIREMENT PLAN

Employees who contribute to the North Carolina Local Governmental Employees Retirement System and who have successfully completed six (6) months of employment with Rowan County are eligible to participate in the County's Supplemental Retirement Income Plan (401K). In addition, the County will contribute a predetermined percent of the employee's salary to the plan. This plan will be contingent upon approval of the annual budget.

10.4 WORKERS' COMPENSATION

As required by law, Rowan County participates in Workers' Compensation Program. There is no cost to the employee.

For cases of certified, on-the-job injuries, the program pays hospital and doctor bills and a weekly cash benefit if the employee is disabled. To be certain that employees can qualify for the Workers' Compensation, they must report any on-the-job accident immediately to their supervisor or Department Director.

10.5 SOCIAL SECURITY

In accordance with the Social Security Act, the County deducts the appropriate percentage on every dollar earned up to a maximum income designated by law. For every social security tax dollar that the government requires the County to take out of employees' pay, the County must also pay an equal amount.

10.6 PERSONAL LIABILITY COVERAGE FOR COUNTY EMPLOYEES AND OFFICIALS

Rowan County expects its employees and officers to perform their duties in an orderly, reasonable and prudent manner, and within the scope and course of their employment.

The Board realizes allegations will be made at times that certain employees or officers have failed to perform their duties in such a manner. The County Manager shall keep the Board informed of such contentions.

After determining that an employee or officer has acted in accordance with County policy, the Board shall take one of the following actions:

- 1) Provide the employee or officer with legal counsel;
- 2) Compromise and pay any such claims.

Adoption of this policy shall not be deemed an assumption of liability for payment of claims or judgments in excess of any funds established and budgeted by the Board of Commissioners for payment of claims or judgments. This policy shall not be construed to waive the defense of governmental immunity or any other defense available to Rowan County or any officer or employee.

Employees may be personally liable for actions and decisions made in the course and scope of their employment in the event of:

- 1) Fraud, corruption or actual malice.
- 2) The employee acts or fails to act as a result of his/her self-indulgence substantially impairing his/her judgment.
- 3) The employee acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to instructions from his/her supervisor or directly contrary to the County Attorney.
- 4) The employee acts or fails to act in such a manner as to constitute a criminal act, i.e., misappropriation of property or money.

The County Manager or his designee, with the advice of the County Attorney, is empowered to determine whether a claim or suit filed against an employee meets the requirements for defense indemnification. (08-28-07)

11.0 ARTICLE XI. ROWAN COUNTY PERSONNEL BOARD

11.1 PERSONNEL BOARD CREATION; CONCEPTION

The Board of County Commissioners hereby establishes a Personnel Board to be composed of two Commissioners. The board shall elect one member to serve as Chairperson each year.

Meetings of the board shall be held monthly or on an as needed basis. The Director of Administration will determine dates and times of the meeting. Special meetings of the board may be called by any of the members or the Director of Administration. The Clerk to the Board or designee shall be responsible for preparing and disseminating meeting notices and proposed agendas.

11.2 PERSONNEL BOARD; INTERNAL ORGANIZATION

The board shall adopt procedures for the conduct of its meetings. Meetings may be informal, subject to approval of the board.

11.3 MEETINGS; MINUTES

The time and place of each meeting, names of those present, official acts of the board, shall be recorded in the minutes. The Clerk to the Board or designee shall have the minutes transcribed and presented for approval or amendment at the next regular meeting.

11.4 BOARD DUTIES AND FUNCTIONS

It shall be the duty of the Personnel Board to approve or disapprove the following Personnel related activities:

- (a) Recommended reclassification of positions presented by the Director of Administration.
- (b) Salary adjustments for employees.
- (c) The hiring of new employees whose salary is above Step 30 of the County's pay plan. (5-19-08).
- (d) Review and consider Personnel policies, regulations, and procedures.
- (e) Other issues which are presented to the board by the Director of Administration.